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EXHIBIT 1 – A

AMENDED JUDGMENT ENTERED BY THE COURT OF FIRST INSTANCE OF PUERTO RICO IN CASE No. K AC 1991-0665

PAG. 01

COMMONWEALTH OF PUERTO RICO
COURT OF FIRST INSTANCE
SAN JUAN PART

CRUZ HERNANDEZ, CARMEN SOCORRO

CASE: K AC1991-0665

PLAINTIFF

ROOM: 0905

VS.

COMMONWEALTH OF PUERTO RICO

DEFENDANT CIVIL ACTION

CAUSE/CRIME

ATTY. GONZALEZ MORALES IVONNE

PO BOX 9021828

SAN JUAN PR

00902-1828

NOTIFICATION OF JUDGMENT

THE UNDERSIGNED CLERK NOTIFIES YOU THAT THIS COURT HAS ISSUED JUDGMENT IN THE CAPTIONED CASE ON THE DATE OF SEPTEMBER 13, 2006, WHICH HAS BEEN DULY REGISTERED AND FILED IN THE RECORDS OF THIS CASE, WHERE YOU MAY FIND OUT IN DETAIL THE TERMS OF THE SAME.

AND, SINCE YOU ARE OR REPRESENT THE PARTY AFFECTED BY THE JUDGMENT, OF WHICH A REQUEST FOR APPEAL MAY BE FILED, I ADDRESS THIS NOTIFICATION TO YOU, HAVING FILED A COPY OF THE SAME IN THE RECORDS OF THIS CASE ON THE DATE OF SEPTEMBER 20, 2006.

ACEVEDO COLON MILAGROS

ROOSEVELT URB.

478 CANALS STREET STE. 1-A

SAN JUAN PR

00918

DIAZ LUGO MANUEL

DEPARTMENT OF JUSTICE

PO BOX 9020192

SAN JUAN PR

00902-0192

Certified to be a true and correct translation from its original.

Aída Torres, U.S.C.C.I.

Tel. 787-225-8218

aidatranslation@gmail.com

SAN JUAN, PUERTO RICO SEPTEMBER 20, 2006.

ATTY. REBECCA RIVERA TORRES

CLERK

BY: LIZBETH SALGADO MATOS s/illegible

DEPUTY CLERK

2

O.A.T. 704-NOTIFICATION OF JUDGMENT TELETRIBUNALES: (787)759-1888/ISLAND. TOLL FREE (787)1-877-759-1888

COMMONWEALTH OF PUERTO RICO COURT OF FIRST INSTANCE SUPERIOR PART OF SAN JUAN

CRUZ HERNANDEZ, CARMEN SOCORRO . CIVIL NO.: KAC 91-0665 (905)

ET ALS

PLAINTIFFS

vs. RE:

/S. . KE.

COMMONWEALTH OF PUERTO RICO . DECLARATORY JUDGMENT

ET ALS .

DEFENDANTS .

.....

SECOND AMENDED JUDGMENT

The plaintiffs (361 in all) are office clerks, secretaries, executive officers, social service technicians, assistant collectors and other employees of the Family Department, whose positions are assigned between scales 01 to 19 of the Retribution Plan of the aforementioned Department and are identified hereinafter:

Acevedo Cordero, Carlos E, Acevedo Lopez, Victor; Acevedo Perez, Winda L; Acevedo Reyes, Rosa E.; Acevedo Rivera, Aida; Acevedo Suarez, Gladys; Acevedo Velazquez, Cruz; Acosta Crespo, Carmen A.; Adorno Campos, Esteban; Agosto Baquero, Nilsa; Agosto De Maldonado, Laura E.; Agosto Figueroa, Rosa M.; Aleman Gonzalez, Carmen M.; Alicea Sastre, Mara G.; Almedina De Rivera, Luz E.;

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Alvarado Santos, Amalia; Alvarez Matos Conchita; Andino Bultron, Maria S.; Aponte Cartagena, Tomas; Aponte Hernandez, Ivette; Arcelay De Moya, Ada H.; Avila Velázquez, Maribel; Baez Figueroa, Raul; Ballester Nieves, Luis; Barreto Robles, Carmen A.; Bello Cancel, Carmen L.; Bermúdez Felix, Isabel; Bermúdez Torres, Isabel: Bernes Rodríguez, Maria L.; Berrios Vazquez, Luis; Bonet Varella, Alberto; Bonilla Roman, Josefina: Brache Sanes, Loyda E.; Burgos Colon, Adela; Burgos Cruz, Luz E.; Burgos Morales, Ramon; Cabrera Medina, **Miriam**: Calderon Rodríguez, Blanca I.; Calderon Cruz, Carmen B.; Campusano Sosa, Josefina; Canales Robinson, David; Caraballo Rodríguez, Zenaida; Casas Otero, Josefina; Castillo Pastrana, Edelmira; Castillo Pizzini, Iris; Castro Clemente, María L.; Cintrón Caraballo, Carmen M.; Colon De Navas, Eva L.; Colon Aulet, Norma Iris; Colon Ortiz, Demetrio; Colon Rodríguez, Ana L.; Colón Rodríguez, Nelida; Comulada Ortiz, Juan H.; Concepción Lozada, Gloria E.; Concepción Sierra, Maricelys; Contreras Santiago, Jose E.; Cordero Santiago, Zaida E.; Corsino Pimentel, Julia E.; Cortes Acevedo, Olga; Cosme Negron, Noel; Cotte Alvarado, Efraín; Cotto Sánchez, Rosa; Cotto, Luz Minerva; Cruz Adames, Lucila; Cruz Collazo, Manuela; Cruz Garcia, Isabel; Cruz Hernandez, Carmen S.; Cruz Lorenzana, Sara; Cruz Rivera, Crucita; Cruz Rosa, Ivonne; Cruz Saez, Alejandrina; Cruz Serrano, Domingo; Cruz Tosado,

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Nancy; Cruz Vargas, Ruben; Cumbas Burgos, Esther; Davila Paris, Zaida I.; De Jesús Alvarado, Carmen M.; Delgado Cámara, Elda R.; Delgado Ramos, Edwin R.; Diaz Colon, Luis E.; Diaz Cruz, Aida Luz; Diaz Flecha, Carmen J.; Diaz Flores, Jorge Luis; Díaz Hernández, Mildred; Díaz Rodríguez, Teresa J.; Diaz Garcia, Miguel; Escobar Barreto, Carmen L.; Espada Rosario, Diana; Falu Febres, Luis R.; Faris Elba, Clara E.; Feliciano Hernández, Ada E.; Fereira Rosario, Maria A.; Fernández Fernández, Ana H.; Fernandez González, Emilio; Fernández Hernandez, Jesús: Fernández Morales, Maria N.; Fernández Roldán, Judith; Figueroa Adorno, Eladia; Figueroa Gonzalez, Juanita; Figueroa Morales, Felix M.; Figueroa Rivera, Maria Del Carmen; Figueroa Ruiz, Mercedes; Flecha Gonzalez, Rosa M.; Fontanez Delgado, Evelyn; Forty Ortiz, Luz M.; Francis Salamán, Laura; Fuentes Ayala, Luis A.; Galindez Tanco, Alicia; Galloza González, Carlos R; Garcia Soto, Irma A.; Gómez Pérez, Hernán; Gomez Colón, Carmen N.; Gonzalez Pizarro, Maria M.; Gonzalez Andino, Andres; Gonzalez Cantero, Alejandrina; Gonzalez Cruz, Manuel Eloy; González Franquie, Estela; González Ramos, Leyne; Gonzalez Reyes, Maria S.; Gonzalez Rivera, Irma S.; Gonzalez Rodriguez, Neyda; González Rosado, Manuel; Guerra Figueroa, Luisa V.; Hernández De Muñoz, María; Hernandez Gonzalez, Maria D.; Hernandez Padilla, Josefina; Hernandez Serrano, Norma I.; Hernandez

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Velazquez, Ramon: Jackson Rivera, Kenneth; Jorge Garcia, Luisa; Jorge Morales, Jorge Antonio: Jusino Fumero, Waddie; Laguer Morales, **Sonia**: Lasalle Concepción, María S.: Latimer De Rodríguez, Amparo; Lazú Santiago, Jesús; Lopez Millan, Esperanzo; Lopez Campos, Milagros G.; Lopez Cruz, Luz M.; Lopez Diaz, Rosa L.: Lopez Lugo, Esmeraldo: Lopez Nieves, Nail V.; Lopez Reyes, Maria De Los A.: Lopez Rios, Alfonso: Lopez Rivera, Pedro; Lorenzo Perez, Naida; Lorenzo Gonzalez, Miquel; Lorenzo Lorenzo, Zoraida; Lozada Lozada, Cipriano; Lugo Horrach, Gumersindo; Lugo Rosario, Ana Maria; Lugo Sanabria, Cristino; Llanos Nieves, Nilda; Llanos Rosario, Luz D.; Maldonado Cardona, Myrna; Maldonado Rodríguez, Amelia; Maldondo Colón, Esteban P.; Marrero De Barbosa, Carmen J.; Martinez Diaz, Josefina; Martinez Gonzalez, Priscilla; Martínez Negrón, Aida L.; Martínez Rivera, Myriam C.; Martínez Rodríquez, Carmen B.; Martinez Rosado, Myriam; Marzan Concepción, Juana; Matias Acevedo, Maria I; Matías Cruz, Luz C.; Matos Fuentes, Ana V.; Medina Baez, Cristina; Medina Lopez, Francisco; Medina Medina, Ana L.; Medina Ortiz, Emenelio; Medina Torres, Sonia M.; Meléndez Alicea, Carmen D.; Mendez Estien, Ramonita; Mendez Gonzalez, Juan J.; Mendez Perez, Julio; Menendez Negron, Ana D.; Mercado De Ortiz, Ana; Merced Rivera, Ferdinand; Monge, Margarita; Montañés Morales, Modesta; Montes

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Delgado, Monserrate; Montes Maldonado, Felix; Montezuma Velázquez, Nydia; Morales Rodríguez, Gladys; Morales Santiago, Hiram; Morales Serrano, Maria I.; Mujica Mujica, Rosa De Los A.; Nieves Gorrite, María; Nuñez Sánchez, Luz; Oguendo Cruz, Santa; Ortiz Agosto, Maria I.; Ortiz Cruz, Teresa; Ortiz Gerena, Paula: Ortiz Guilbe, Rosa: Ortiz Lopez, Luis A.; Ortíz Nieves, María M.; Ortiz Ramos, Antonio; Ortiz Salines, Ana Elsa; Pabon De Villodas, Myrta; Pacheco De Ramos, Judith; Pacheco Ouidley, Carmen E.; Padilla Padilla, María Isabel; Padin Rivera, Rosita; Pagan Sánchez, Nancy E.; Paris Tapia, Olga E.; Parrilla Aragones, Angel L.; Pastrana Pagan, Awilda; Perez Casta, Iris M., Perez Cruz, Daisy; Perez Garcia, Lourdes; Perez Maisonet, Esmeralda; Perez Serrano, Carmen L.; Perez Velez, Adelaida; Perez Villanueva, Ilsa I.; Pillot Orta, Victoria; Pimentel De Diaz, Paula; Pitre Román, Aida Nelly; Quintana, Ana E.; Quiñónez Fuentes, Juan M.; Ramírez Ocasio, Francisca; Ramos Burgos, Pablo; Ramos Miranda, Ivonne; Ramos Rivas, Judith M.; Rios Lopez, Elsie L.; Rivas Rios, Antonio; Rivera Acevedo, Maria T.; Rivera Benitez, Amador; Rivera Carrasquillo, Rosalía; Rivera Colon, Carmen M.; Rivera Cortés, Atilda; Rivera Cruz, Maria Esther; Rivera De Jesus, Ramon L.; Rivera Lopez, Carmen S.; Rivera Medina, María E.; Rivera Monserrate, Juana D.; Rivera Orellana, Priscilla; Rivera Piña, Noemí; Rivera Quiñónez, Carmen D.; Rivera Rivera,

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Josefina; Rivera Rodríguez, Evelyn; Rivera Rodríguez, Luz Teresa; Rivera Soto, Felix: Rivera Torres, Olmisda M.; Rivera Veguilla, Jose; Rivera Zambrana, Eliud; Robles Gonzalez, Raquel; Robles Ortiz, Jesús M.; Robles Rivera, Nydia; Robles Sierra, Ramonita; Rodríguez Abreu, Ángel; Rodríguez Carrillo, Georgina; Rodríguez Collazo, Eddie: Rodríguez De Romero, Milagros; Rodríguez González Rosa M.; Rodríguez Gonzalez, Nelly; Rodríguez Martinez, Carmen L; Rodriguez Ramos, María: Rodríguez Rodríguez, Alfredo: Rodríguez Rodríguez, Ixia E.; Rohena Barreto, Jose L.; Roldan Sanes, Vicente; Roman Hernández, Maria D.; Romero Cruz, Marilyn; Romero Paris, Lydia; Rosa Maldonado, Elmerida; Rosa Navarro, Carmen R.; Rosado Cruz, Maria; Rosado Medina, Carmen M.; Rosado Rosario, José E.; Rosado Vázguez, Iris Sonia; Rosario Diaz, Gladys; Rosario Rivera, Nereida; Rosario Serrano, Elulogia; Ruberte De Molina, Noemí; Ruiz De La Torre, Minerva; Ruíz González, Doris N.; Ruiz Manzano, Flor M.; Ruiz Ramos, Carmen M.; Ruiz Rivera, Osvaldo; Saldaña Carrasquillo, Ermelindo; Salgado Pizarro, Jaime; Salgado Santos, Carmelo; Salgado Soler, Lupercio; Sanchez Gonzalez, Miguel; Sanchez Nieves, Elizabeth; Sanchez Pomales, Carmen S.; Sánchez Rios, Paula; Sánchez Rodríguez, Luz E.; Sánchez Roman, Myrta; Sánchez Soto, Iris Y.; Sanchez Vélez, Jacqueline; Santa Colon, **Ivette**; Santana Avilés, **Atilda**; Santana Claudio, **Sarah**; Santiago

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Bermúdez, Zenaida; Santiago Garcia, Iris M.; Santiago Rosa, Miguel; Santiago Carrion, Santa; Serrano Davila, Ivette Ma.; Serrano Diaz, Orlando; Serrano Negrón, María Lydia; Sola Sanchez, Karen; Soler Morales, María Del C.; Solivan, Francisco; Soto Sanes, Patria H.; Soto Torres, Digna R.; Sterling Margarita; Sterling Lebron, Joseph; Tapia Rios, Ruth M.; Tirado Maysonet, Ricardo; Torres Cartagena, Maria E.; Torres Concepción, Gloria E.; Torres Davila, Blanca: Torres Jiménez, Aida I.: Torres Muñoz, Hélice; Torres Núñez, María; Torres Perez, Felicita; Torres Pozzi, Luz N.; Torres Pozzi, Zenaida; Torres Rivera, Edith; Torres Sánchez, Consuelo; Torres Santiago, Marilú; Travieso Leduc, Jose L.; Vachier Monell, Antonio; Valcarcel Osorio, Victor M.; Varela Cartagena, Patria; Vargas Perez, Ana; Vargas Vargas, María E.; Vargas Vega, Esther E.; Vazquez Castillo, Irma; Vázquez Cintrón, Rosa Iris; Vazquez Rivera, Maria Teresa; Vega Hernandez, Gilberto; Vega Jiménez, Milagros; Vega López, Jorge L.; Vega Soto, Amalia; Velázquez Benitez, Ana Delia; Velázquez Cruz, Ada Y.; Velázquez Rosado, Migdalia; Velez Correa, Eulalia; Velez Laffonse, Jose; Velez Meléndez, Ivelisse; Velez Nieves, Delia; Velez Ortiz, Hilda; Velez Ortiz, Miriam M.; Velez Sánchez, Nydia M.; Velez Tirado, Enoelia; Verges Vázquez, Carmen M.; Viera Ramos, Ivelisse; Viera Zayas, Carmen; Villa Soto, María; Villafañe De Leon, Felix M.;

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Villafañe Perez, Arlyn I.; Villegas Martínez, Rosita; Vizcarrondo Flores, Evelyn;

Zavas Esteras, Reina L.; Zavas Rivera, Norberto.

Said employees filed a complaint regarding Declaratory Judgment in 1991,

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to request, among others, the declaration of nullification of General Memorandum 5-

86 dated April 23, 1986, issued by the Central Office of Personnel Administration

(OCAP in Spanish) today the Human Resources Office of the Commonwealth of P.R.

(ORHELA), since it was in open conflict with the provisions established under the

Uniform Retribution Act and with the principal of equal pay for equal work guaranteed

by Art. II section 16 of our Constitution.

Essentially the aforementioned employees claim that they were prejudiced

in the assignment of their salaries when there was implanted in the Family

Department the Federal minimum wage that entered into effect on April 15, 1986 and

subsequent increases, since they left inoperative the scale system and there was

adopted a payment system different to the one established by law, wherefore they

were not paid in an equitable manner, since they were performing functions that

required greater responsibilities, skills and complexity in the performance and they

should have been compensated in a different manner. They also allege that as a

direct result of the adjustment formula impugned, there were illegally eliminated merit

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steps, years of service and legislative increases previously received, which constitute

acquired rights and are independent from the salary scales and they claim the

payment of the salaries that correspond to them pursuant to law.

In the complaint, there is alleged the nullification of General Memorandum

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5-86 of the OCAP since the aforementioned adjustment was intentionally applied to

reduce the impact of the minimum salary and it produced an unjust enrichment,

when the defendants benefitted from the more complex functions performed by the

plaintiff employees without paying the fair compensation for the same. Furthermore,

it is alleged that they refused to apply the mechanism of reduction of the work week,

as provided under Law 5 of November 20, 1975, in case the Family Department did

not have sufficient funds to comply with the minimum salary. Therefore, they claim

the imposition of the mandatory penalty established in Sec. 216(b) of the FLSA, costs

and attorneys fees.

After several amendments were filed to the complaint, where there were

accumulated the previously identified career employees, the defendant filed an

answer to the amended complaint, where it essentially alleged that they had complied

with the Minimum Wage Act and refused responsibility for their actions.

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After conducting multiple procedural proceedings, on the date of November 29, 2001, the parties filed a joint motion where they included stipulations of Additional

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From the aforementioned document it appears that the controversies submitted by the parties are the following:

Facts and of Documentary Evidence.

- A. To determine if the Family Department violated the Uniform Retribution Act, since it had not updated its retribution structure to the minimum salary and had equated the salaries of the plaintiff to the one received by the janitor and worker, despite the fact that they were performing tasks of a greater complexity and responsibility.
- B. To determine if the Family Department violated Article II, Section 16 of the Constitution of the Commonwealth of Puerto Rico, which recognizes the right of every work to receive equal pay for equal work.
- C. To determine if the defendants exceeded themselves in the use of their discretional faculties by ignoring the obligation as agency heads to implement a program of reduction of the daily work schedule as provided by Law 5 of November 20, 1975.
- D. To determine the legality of General Memorandum 5-86 of OCAP of April 23, 1985 and of the subsequent adjustments practiced for the implementation of the minimum wage.
- E. To resolve, under the same operational facts, if the defendants violated sections 215 and 218 of the FLSA.

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F. To determine if it is pertinent to issue a permanent Order to cease and

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desist to avoid future violations to statutes and regulations.

After this, the plaintiff filed a Motion to request the issuance of the Partial

Summary Judgment in its favor and we scheduled the same for discussion.

Meanwhile, and since we understood that the issue of basic right to be

determined in this case was already resolved in the Declaratory Judgment issued on

the day of September 25, 2003, by the Court of First Instance, Superior Part of San

Juan, in the case of Juan Pérez Colón et al v. Department of Transportation and Public

Works v. OCAP, civil case number KAC-1990-0487(905), the plaintiffs requested

through a Motion that, since the aforementioned case was identical in all the pertinent

aspects to this case, that judicial knowledge of the same be taken, and what was

resolved therein be applied under the doctrine of collateral impediment due to

Judgment.

After several indications in the hearing held on January 20, 2006, the

parties informed the court that they had reached an agreement for the issuance of a

Judgment by Stipulation and they informed that ORHELA and the Secretary of the

Department of the Family had issued their approval to the salary scales submitted

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through Motion of February 22, 2005. Furthermore, they issued the directives of how

they would dispose of the case, as to which there was an agreement between the

parties, remaining pending the notification of the judgment. This being the case, the

Court issued Judgment on January 23, 2006 by stipulation, pursuant to which there

were approved the salary scales marked as Exhibit 2.

On the other hand, and it having been determined that there is no real

controversy of facts with regard to any material fact and as a matter of law it is

pertinent to issue a Partial Summary Judgment in favor of the plaintiff, with regard to

the controversies submitted for adjudication that were previously transcribed, we

understand that there is no reason to postpone its resolution, up until the total

resolution of the lawsuit.

In agreement with what is stated, Judgment is issued in favor of the

plaintiffs, with the following pronouncements and provisions:

The facts as to which there exists no controversy, arise from the

Stipulations agreed by the parties and are literally transcribed hereinafter:

1. The plaintiffs are career employees that work for the Department of Social Services, today the Family Department, and occupy positions of secretaries, office

clerks, executive officers, social service technicians, assistant collectors, social services

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assistants, accounting officers, etc. These positions were assigned annually by the Director of the Central Office of Personnel, hereinafter OCAP (in Spanish), between the years 1986 to 1996 in scales 1 to 19 of the Retribution Plan of the Central Administration and subsequently when the Retribution Plan created by the agency as an Individual Administrator was adopted.

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- 2. That on April 15, 1986 there commenced to govern in the Puerto Rico Government the Federal Minimum Federal Wage Act, which established a minimum salary of \$3.35 per hour worked.
- 3. That on that date, there were 39 types of salary scales. Of these the first 11 scales received salaries below the Federal minimum wage.
- 4. That when there entered into effect the Federal minium wage, on April 15, 1986, the Social Services Department, today the Family Department, equated the salary of the employees assigned to these first 11 scales based on \$3.35 per hor, remaining inoperative the retribution plan.
- 5. That when the adjustment was made, all of the employees that belonged to said scales received the same salary that the janitor and the worker in accordance with the Federal minimum wage established of \$3.35 per hour. After this, the Social Services Department, today the Family Department, elaborated a Uniform Retribution Plan which established new salary scales, which was given the effective date of April 1, 1996. This plan contains 33 salary scales, instead of 39 salary scales that existed in 1986. This plan was elaborated by the Social Services Department, today the Family Department, with the collaboration and consultation of OCAP.
- 6. That the situation was again produced in the years 1990, 1991, 1992, 1993 and 1994 as a result of the implementation of new increases in the federal Minimum Wage Act. Therefore, while the Federal minimum wage was being increased, they continued to affect new additional scales. In this manner, already by April 11, 1996,

the date prior to there entering into effect the Uniform Retribution Plan of the Social Services Department, today the Family Department, 19 salary scales had been affected.

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- 7. On September 1997 when there was again an increase in the minimum wage of the employees of the agency the Retribution Plan of 1996 was left inoperative.
- 8. On April 1, 1985, and in its function of providing counseling to the government agencies, the OCAP issued **Special Memorandum No. 8-85** where it informed the Secretaries and the agency heads the decision of the case of <u>Garcia v.</u> San Antonio Metropolitan Mass. <u>Transit Authority</u>, 469 U.S. 528 (1985). (Exhibit 1).

"As a result of this decision, the employees of the Government of the Commonwealth of Puerto Rico and of its Municipal Governments should be paid the Federal minimum wage and compensated the overtime at the rate of time and a half through a cash payment".

9. On **April 18, 1985**, the Director of OCAP sent to the then Governor of Puerto Rico, Rafael Hernández Colón, a Memorandum regarding the following matter: "Salary structure alternatives to provide salary increases to the public employees under the Central Administration and to comply with the Federal minimum." (Exhibit 2) The communication proposed a salary improvement in four stages which exceeded the Federal minimum wage for 1988 and included as an attachment the proposed salary scales.

With regard to the trust personnel, it stated: "...it is [n]ot necessary to take action immediately since the basic scale of the salary structure that is applied \$505-657 at present has no classes assigned. The lowest salary in the Trust Service is the one corresponding to the class of driver that is assigned to the second scale \$549-714."

- 11. On September 5, 1985, OCAP issued and circulated General Memorandum No. 9-85 addressed to all of the agency heads regarding "The Interpretation of Aspects related to the Retribution of the Employees" which included in clause (a) the standard of interpretation of Art. 3 of Law No. 3 of June 30, 1977. Through that directive, the legislative intent was recognized, as stated in Art. 3 of "expanding in that same proportion the retribution scales for the employees that receive the same". In what concerns the employees that were not made effective the increase since they were receiving the maximum salaries of the scale, an instruction was issued to the agencies to "re-evaluate the cases pursuant to that interpretation".
- 12. On September 17, 1985, the OCAP sent to the then Governor of Puerto Rico the study related to the economic impact that the Central Administration would have by the implementation of the Federal Minimum Wage.
- 13. On October 14, 1985, OCAP issued Special Memorandum No. 25-85 addressed to all of the agency heads containing the LAST JURISPRUDENCE RELATED TO PERSONNEL ADMINISTRATION. It included a summary of the decision of the Honorable Federal Supreme Court in <u>Garcia v. San Antonio Metropolitan Mass Transit Authority</u>, supra. Said communication informs: "...the federal minimum wage and the payment for overtime as recognized in the same in the Federal Reasonable Standards Act for work, are of application for the employees of the Commonwealth of Puerto Rico as of the 15th day of April 1985."
- 14. On November 20, 1985, the Director of OCAP sent to the then Governor of Puerto Rico, a Memorandum regarding: "Salary increase to the Public Employees"

where he informs "At present it is necessary to comply with the Federal minimum wage as of April 15, 1986, which possibly requires that it be made in a single stage." (Exhibit 5)

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15. From the contents of the document it appears that OCAP designed a new wage structure for the career service of the Central Administration based on a minimum wage of \$545-736 which complied with the Federal minimum wage in effect of \$3.335 per hour; furthermore it consigns:

"This structure would be implemented by us adjusting the actual salary of the employees to the immediate amount or type of retribution that is higher in the scale corresponding to the new structure to reduce its budgetary effect."

- 16. On March 26, 1986 the OCAP issued General Memorandum 3-86 where it updated to the agency heads the information regarding the application of the Minimum Wage Act sent referring to the case of Garcia, supra. Furthermore, it informed them that the FLSA would enter into application in the Government on April 15, 1986, offering more details regarding the applicability of this Law.
- 17. That on April 15, 1986 there commenced to govern in the Government of Puerto Rico the Federal Minimum Wage which established a minimum salary of \$3.35 per hour worked. On that date, the Department equated the salary of the plaintiff employees as consigned in the preceding Stipulations number 3; 4 and 5.
- 18. After this, on April 15, 1986, there was presented H.B. 493 to propose an amendment to clauses (2) and (3) of Art. 7 of the Uniform Retribution Act. converted into Law No. 149 of July 18, 1986. This law had the purpose of endowing the OCAP and its directors with mechanisms of greater flexibility to practice adjustments and extensions to the retribution scales of the Central Administration and eliminated the requirement to obtain the prior approval of the Governor for said transactions.

- 19. On April 23, 1986, through **General Memorandum 5-86**, the OCAP informed the agency heads of the application of the minimum wage of \$3.35 per hour effective on April 15, 1986 and included a directive to practice the salary adjustments. With regard to the Municipalities they were instructed to implement a plan of reduction of the daily work schedule if they determined an insufficiency of funds to implement the minimum wage. [Exhibit 1].
- 20. When this directive of OCAP was issued it did not consult with the Federal Secretary of Labor to verify if it complied or not with the requirements of the Minimum Wage Act. [Answer of OCAP to the Request for Admissions].
- 21. On June 30, 1986, OCAP issued **Memorandum No. 3-86** informing the tenth Assignment of Classes of the Career Service of the Central Administration: "For this fiscal year there have not been registered changes to the salary scales. Nevertheless, it is mandatory that the agencies comply with the provision of the Reasonable Labor Standards Acct with regard to the Federal minimum wage." Attachment I of Memorandum 3-86 includes a list of the amendments made to the previous assignment of classes during the course of the year where it assigns classes to higher scales.
- 22. With regard to the irregular employees, governed by Law 110 of June 26, 1958, as amended, and notwithstanding having recognized in Memorandum No. 3-86 of April 23, the application of the minimum wage of 3.15 hr., the OCAP issued on the date of August 22, 1986, **General Memorandum No. 12-86** regarding: "Amendment to the Scales of Pay for Irregular Personnel". In this new scale, the anchor salary of Group I was developed based on a salary of \$3.00 per hour, wherefore it is below the Federal minimum wage established on that date. [Exhibit 9].
- 23. The Federal minimum wage increased in the Family Department, on the dates and amounts that are hereinafter indicated:

April 15, 1986	to 3.25 hr.
April 1, 1990	to 3.55 hr.
April 1, 1991	to 3.70 hr.
April 1, 1992	to 3.90 hr.
April 1, 1993	to 4.05 hr.
April 1, 1994	to 4.25 hr.
April 1, 1996	to 4.45 hr.
April 1, 1997	to 5.15 hr.
Sept 1, 2000	to 5.80 hr.

- 24. The standard adopted by the Family Department to implement the salary adjustments when the minimum salary and subsequent increases entered into effect, as identified in the previous paragraph equated the salary of the plaintiff employees to the salary received by the worker and the janitor.
- 25. In 1991, the Social Services Department was constituted into an Individual Administrator pursuant to **Executive Order Number OE-1991-46**, signed by the then Governor of Puerto Rico, Rafael Hernández Colón, conferring to the Secretary of that Department the faculty to adopt its own Classification and Retribution Plan.
- 26. Through **Special Memorandum No. 26-93** of July 1, 1993, the OCAP recognized and affirmed the obligation of the agency heads and the Individual Administrators to adjust the Retribution Plan to the Federal legislation applicable to the public service. [Exhibit 20]
- 27. On June 3, 1994, the OCAP issued **Memorandum No. 5-94**, addressed to the Heads of the Individual Administrator Agencies of the Personnel System regarding: Assignment of the classes of positions to the retribution scales effective at the beginning of each fiscal year; updating the retribution structures; Federal minimum wage: [Exhibit 24]

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"The individual administrators that still continue to use the plans that governed for the Central Administration must be aware that since said sector of the Personnel System is not functioning, it is not pertinent to effect the assignment of the classes to the corresponding scales in said plans. To the same we reiterate that it is imperative and prioritary that they develop and implant these instruments of work. See, Special Memorandum No. 26-93 and Special Memorandum No. 13-94 which we sent regarding this matter.

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28. **Memorandum 5-94**, reads:

"Updating the Structures of Retribution. Clause 1 of Article 2 of the Uniform Retribution Act establishes that it is the obligation of the Individual Administrators to maintain up to date the retribution plans that they adopt for the career and trust services. For this reason, the agencies that have approved and implemented their own classification and retribution plan that they have in effect respond to what is provided in Section 4.6 of the Uniform Retribution Regulation, particularly in clauses (2), (3), (5), (6) and (8).

- 29. On the other hand, **Memorandum 5-94** states that "[s]ome agencies are not sending annually the corresponding copy to our office, which is indicative that they have not put into observation the aforementioned legal and regulatory standards."
- 30. While the scale of retribution of the Department of the Family was maintained inoperative by the defendants, OCAP continued the practice of authorizing the assignment of multiple classes to higher scales. [Exhibit 22].
 - 31. In 1994, OCAP redacted two documents entitled:
 - a. "Relationship of the class in the Career Service that have been impacted with the application of the Federal Minimum Wage".

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- 20
- b. "Classes reassigned to Higher Scales of Retribution since the first of April of 1986 up to the present". [Exhibits 21 and 22].
- 32. This being the case, in July 1996, the Family Department adopted a new Classification and Retribution Plan. Paragraph III, of the Plan provides:

"Description of the wage structures. The wage structure adopted consists of twenty three (23) wage scales. The number of scales necessary to cover the two hundred ten (210) classes of positions resulting from the classification study was determined based on the grouping of classes of positions taking into consideration the levels of complexity or difficulty of the work, the magnitude of the responsibility and the degree of authority, elements which among others, constitute the demands of the positions assigned to each class of position. There was also taken into consideration the difficulties in recruitment and retention existing in some classes of position."

"The basic salary of the structure is Seven Hundred Eighty Dollars (\$780.00) per month." [Exhibit 26 A].

- 33. As of March 1, 1996, the date prior to the entrance into effect of the Retribution Plan of the Family Department, due to the increases decreed in the minimum wage, there had been 19 salary scales affected. Wherefore when the Department practiced the corresponding assignment of the positions occupied by the plaintiffs to the new scales, there was reestablished the salary difference that existed between the different categories of positions that had remained inoperative since April 1986.
- 34. "In its message before the 5th Ordinary Session of the twelfth Legislative Assembly of PR on January 24, 1995, the Governor of Puerto Rico stated:

"The situation of the CWPR; and the Government of Puerto Rico had a frank economic recovery. There were instrumented two tax reforms, there was approved legislation to substantially increase the salaries of the policemen, firemen, nurses, custody officers, teachers and other groups of public employees". [Exhibit 28]

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- 35. On January 31, 1996, the El Nuevo Día newspaper published that as of the closing of the present fiscal year there existed a cash excess of 300 million. [Exhibit 27]
- 36. On March 19, 1996, an amendment was made effective to the New Plan of Classification of Positions, as proposed by the Department and approved by OCAP. In the same they assigned several classes of positions to higher scales of Retribution. [Exhibit 30A].
- 37. Through Special Memorandum #51-96 regarding: "New Federal Minimum Wage effective on October 1, 1996 and on September 1, 1997", the Director of OCAP notified that:

"As of October first of 1996, the employees of the state government, independent of their status or category, are covered by the New Federal Minimum Wage of \$4.75 per hour". As of September 1, 1997 the Federal Minimum Wage will be \$5.15 per hour". [Exhibit 28]

- 38. In June 1997 and through Memorandum No. 8-97, OCAP amended the Guide of Classification of Functions and Payment Scales of the Regulation for the Irregular Personnel to conform the same to the new minimum salary of \$5.15 per hour effective September 1, 1997. [Exhibit 29]
- 39. On March 20, 1998, the Family Department made effective its third assignment of classes leaving without change the new salary structure of the career

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service that it adopted in 1996. With the same, there was maintained inoperative the referenced retribution plan, which had seen the increase that occurred in the Minimum Salary to \$5.15 per hour. [Exhibit 31]

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40. On October 25, 1997, the Family Department made another review of the assignments of classes to higher scales and created new classes, and has maintained up to the present the Retribution plan that it adopted in 1996, without change, except the reassignments and changes previously identified. [Exhibit 32]

CONCLUSIONS OF LAW

In Puerto Rico there is a clear public policy that pretends to provide to the employees of the governmental sector an equitable and fair treatment in the establishment of their salary and other forms of retribution. In order to execute this public policy and recognizing the legislator that the area of retribution of the public employee is one of the most important, "to achieve a modern and balanced system of personnel administration and to facilitate the application of the principle of merit", the Legislative Assembly approved Law No. 89 of July 12, 1979, as amended, 3 L.P.R.A. §§ 760 et seq, known as the Uniform Retribution Act. It appears from the legislative history that its purpose is in agreement with the principle of "equal pay for equal work [and] to establish a retribution system that propitiates uniformity, equity and justice in the establishment of the salaries of all of the employees of the public

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service, [at the same time that] it pursues the application of mechanisms that tend

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to and facilitate the recruitment and retention of personnel through the concession

of additional incentives." Law No. 89 of July 12, 1979, supra, at the Statement of

Purposes. See, Aulet Lebrón v. Depto. de Servicios Sociales, 129 D.P.R. 1 (1991).

The Retribution Act, supra, also establishes the functions of the Central Office

of Personnel Administration, hereinafter O.C.A.P., and delegates it the responsibility

of promoting the regulation that will complement the juridical scheme that serves as

a basis for the implementation of the retribution plans of the agencies and establish

the basis standards that will serve as a guide to establish the responsibilities of the

Individual Administrators in elaborating and administering their own retribution plans.

Additionally, said law conferred the task of "conducting retribution studies in the

different sectors of the economy that involve the salary levels and tendencies as well

as other forms of compensation such as incentives and fringe benefits" [and the

mission] of supervising the operation of this System". 3 L.P.R.A. §760b.

To that effect, the Retribution Act, supra, establishes in its Art. 2 that O.C.A.P.,

in the case of the Central Administration, and each nominating authority in the case

of the Individual Administrators, will adopt retribution plans pursuant to the regulation

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that the Office adopts to instrument this law to the general standards of retribution

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that it emits, 3 L.P.R.A. §760a. It also provides that by establishing and maintaining

the aforementioned retribution plans it must take into consideration diverse factors,

such as: levels of responsibility and complexity of the functions, necessary

qualifications for the performance of the same; existing difficulties in the recruitment

and retention of personnel in the different classes of positions; working conditions;

existing promotion opportunities within the classification plans; prevailing salaries in

different sectors of the economy; aspects related to the costs of life, and fiscal

possibilities, 3 L.P.R.A. § 760a, (2). See, Uniform Retribution Regulation, Regulation

No. 3109 of June 7, 1984.

Considering what is previously stated, we understand that the selection of the

Family Department of the adjustment formula recommended by O.C.A.P., in general

Memorandum 5-86, of April 23, 1986, is not in agreement with the provisions required

by the Uniform Retribution Act, supra, since it does not maintain a progressive system

of salary scales updated after implementing the amendments made to the minimum

salary. After ana analysis of the formula recommended by O.C.A.P, it can be

observed that its execution resulted in equitably remunerating the janitors, office

clerks (I, II, II and IV), secretaries (I and II) and social institution assistants, among

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other positions assigned within the first 11 scales of the retribution structure then in

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effect. As a result of the fact that the defendant carries out assignments of positions

at the beginning of each fiscal year, on the date of March 1996 the employees located

up to scale 19 had also been affected by the adjustment. In Aulet Lebrón v. Dpto. de

Servicios Sociales, supra, at page 24, the Supreme Court stated:

Needless to say, the normative letters that O.C.A.P. issues in the

exercise of its quasi legislative functions cannot be in conflict with the

law or with the binding jurisdiction in the matter that it intends to

regulate, since the power of regulation delegated to the agency does

not empower it to substitute the legislative or judicial criteria contained

in the state of law in effect. A.P.I.A.U., Inc. v. Srio. de Hacienda, 100

D.P.R. 173 (1971); Rosario Mercado v. San Juan Racing Assn., 94

D.P.R. 634 (1967); Rivera Maldonado v. Autoridad sobre Hogares, 87

D.P.R. 453 (1963); Ex parte Irizarry, 66 D.P.R. 672 (1946).

To avoid this, the Uniform Retribution Act, supra, stipulates in its Art. 9 that

"[e]ffective at the commencement of each fiscal year, the Director will assign all of the

classes of positions to the scales contained in the Retribution Plan adopted for the

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Central Administration", 3 L.P.R.A. §760h. Since it was not updated annually, there was left inoperative the system of salary scales, which requires taking into consideration the complexity of the roles of unskilled, administrative, technical, specialized and of supervision, to then remunerate in proportion to the same. With this the retribution system has resulted irrational, capricious or arbitrary towards the plaintiffs. See <u>Aulet Lebrón vI Dpto. de Servicios Socials</u>, supra, at page 47. It should be stated that at the time of assigning a type of position to a specific retribution scale, the agencies will take into consideration factors such as years of service, academic preparation, experience or merit steps granted to the employee of said position. See, Uniform Retribution Regulation, supra, at §4.6, clauses (2), (3), (5), (6) and (8). In addition to this, Sec. 4.4 of the Retribution Regulation provides that the retribution plans that are adopted have to be in harmony with the public policy established in the Uniform Retribution Act, supra, in addition to requiring the application of uniform salary scales for those classes of positions that are equivalent thus maintaining a correlation between the relative value that is assigned to the classes in the respective classification plans and the monetary value that is assigned to the same through salary scales.

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The Supreme Court of Puerto Rico has stated that minimum salary legislation

and the Federal Labor Standards Act, do not prevent that the states legislate to grant

greater benefits. See, 29 U.S.C.A. §218(3) (2006); Vega v. Yiyi Motor, 146 D.P.R.

373, 381-2 (1996); Olazagasti v. Easter Sugar Associates, 79 D.P.R. 93, 106-7 (1956).

Therefore, the compliance with the minimum salary is only one of the requirements

for the observance of the labor regulations, which in this case also required the

actualization and application of the scales of retribution.

Given the juridical law outlined, we understand that the plaintiffs have the right

and we Grant the complaint approving the salary scales marked in the Exhibits of the

evidence stipulated. For the purpose of resolving the differences that arose between

the parties with regard to the manner in which the calculation of the salaries owed

should be made determining the specific amounts of each employee, on September

26, 2006 a hearing will be held where we will receive the pertinent expert and

documentary evidence.

The defendant will prepare and file with the Court, providing a copy to the

legal representation of the plaintiffs, the payrolls necessary to make the payment to

the plaintiffs. Said payrolls will include: (a) names and social security numbers of the

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plaintiffs, (b) total owed to each plaintiff, (c) amount withheld for the payment of the

retirement of each plaintiff, and (d) the net amount corresponding to each plaintiff.

The payment to the plaintiffs will be made during fiscal year 2006-7, wherefore the

plaintiff must consign in its budget an item for the payment of the Judgment herein

issued.

The defendants are also imposed the payment of the costs and expenses of

the litigation and the amount of 25% over the amount that is owed to each plaintiff

for fees for the benefit of each plaintiff, which must be deposited with the Clerk of this

Court when the payment corresponding to each plaintiff is consigned. See, Code of

Civil Procedure of P.R., 32 L.P.R.A. §§ 3114-18, 3132 (2005); Afanador Irizarry v.

Roger Electric Co., Inc., 2002 T.S.P.R. 52, at footnote 13; López Vicil v. I.T.T.

Intermedia, Inc., 142 D.P.R. 857 (1997).

RECORD AND NOTIFY.

In San Juan, Puerto Rico, September 13, 2006.

GEORGINA CANDAL SEGUROLA
SUPERIOR COURT JUDGE

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I CERTIFY:

ATTY. REBECCA RIVERA TORRES
General Regional Clerk
By: (illegible name, title
and signature)

Certified to be a true and correct translation from its original.

Aída Torres, U.S.C.C.I.

Tel. 787-225-8218

aidatranslation@gmail.com

EXHIBIT 1 – B

JANUARY 23, 2006 JUDGMENT ENTERED BY THE COURT OF FIRST INSTANCE OF PUERTO RICO IN CASE No. K AC 1991-0665, APPROVING NEW PAY SCALES

PAG. 01 COMMONWEALTH OF PUERTO RICO COURT OF FIRST INSTANCE SAN JUAN PART

CRUZ HERNANDEZ, CARMEN SOCORRO CASE: K AC1991-0665

PLAINTIFF ROOM: 0905

VS.

COMMONWEALTH OF PUERTO RICO

DEFENDANT CIVIL ACTION

CAUSE/CRIME

NOTIFICATION OF JUDGMENT

THE UNDERSIGNED CLERK NOTIFIES YOU THAT THIS COURT HAS ISSUED JUDGMENT IN THE CAPTIONED CASE ON THE DATE OF JANUARY 23, 2006, WHICH HAS BEEN DULY REGISTERED AND FILED IN THE RECORDS OF THIS CASE, WHERE YOU MAY FIND OUT IN DETAIL THE TERMS OF THE SAME.

AND, SINCE YOU ARE OR REPRESENT THE PARTY AFFECTED BY THE JUDGMENT, OF WHICH A REQUEST FOR APPEAL MAY BE FILED, I ADDRESS THIS NOTIFICATION TO YOU, HAVING FILED A COPY OF THE SAME IN THE RECORDS OF THIS CASE ON THE DATE OF JANUARY 31, 2006.

GONZALEZ MORALES YVONNE

PO BOX 9021828 SAN JUAN PR 00902-1828

ACEVEDO COLON MILAGROS

ROOSEVELT URB. 478 CANALS STREET STE. 1-A

SAN JUAN PR 00918

DIAZ LUGO MANUEL

DEPARTMENT OF JUSTICE PO BOX 9020192

SAN JUAN PR 00902-0192

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SAN JUAN, PUERTO RICO JANUARY 31, 2006.

ATTY. REBECCA RIVERA TORRES
CLERK
BY: LISBETH SALGADO MATOS
DEPUTY CLERK

2

O.A.T. 703-NOTIFICATION OF JUDGMENT TELETRIBUNALES: (787)759-1888/ISLAND. TOLL FREE (787)1-877-799-1888

SEAL OF GENERAL COURT OF JUSTICE SUPERIOR COURT OF SAN JUAN COURT OF FIRST INSTANCE

COMMONWEALTH OF PUERTO RICO COURT OF FIRST INSTANCE SAN JUAN PART

CARMEN SOCORRO CRUZ HERNANDEZ . CIVIL NO.: K AC1991-0665 s/ill

ET ALS . **ROOM:** 905

Plaintiff .

VS.

RE: SALARY CLAIM

COMMONWEALTH OF PUERTO RICO

ET ALS

Defendant .

JUDGMENT

At the hearing of January 20, 2006 of the captioned case there appeared the parties who conversed and informed they had reached a transaction.

The parties agree that judgment be issued by stipulation pursuant to which they approve the salary scales marked in Exhibit 2 of the evidence stipulated.

The Court issued its approval and issues Judgment by Stipulation.

RECORD AND NOTIFY.

In San Juan, Puerto Rico, January 23, 2006.

s/Georgina Candal
GEORGINA CANDAL SEGUROLA
SUPERIOR COURT JUDGE

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I Certify:

Atty. Rebecca Rivera Torres Regional Clerk

Lisbeth Salgado Matos s/illegible

By: Deputy Clerk

Seal of the General Court of Justice Court of First Instance Superior Part of San Juan

Overleaf of this page:
Cancelled Stamp
5120
10/17/2021
\$1.50
Internal Revenue Stamp
51168-2012-1017-66986279

01048987 \$1.50

CERTIFICATION

I certify that the present is a true and correct copy of the original which is in the record and I issue the same at the request of INTERESTED PARTY

■ After payment of fees

□ For official use of fees

ATTY. REBECCA RIVERA TORRES REGIONAL CLERK

By: s/illegible

DEPUTY CLERK

Seal of General Court of Justice Court of First Instance Superior Part of San Juan

OCT 18 2012

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Commonwealth of Puerto Rico

SALARY SCALES APPLICABLE IN CASE NO. KAC-190-0497 OF JUAN PEREZ COLÓN ET AL V. DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS AND KAC-1991-0665 OF CARMEN S. CRUZ HERNANDEZ ET AL VS. COMMONWEALTH OF PUERTO RICO, TO BE MADE EFFECTIVE AS OF APRIL 15, 1986.

INTERMEDIATE TYPES

SCALE NUMBER	MINIMUM TYPE	i	2	3	•	5	6	7	MAXIMUM TYPE
1	545	566	588	610	633	658	683	709	736
2	556	577	599	622	646	671	697	723	751
3	567	589	611	634	659	684	710	737	765
4	578	600	623	647	671	697	724	751	780
5	590	612	636	660	685	711	739	767	796
6	602	625	649	674	700	726	754	783	813
7	614	637	662	687	713	741	769	798	829
8	626	650	675	701	727	755	784	814	845
9	639	663	689	715	743	771	801	831	863
10	652	677	703	730	757	786	816	848	880
11	665	690	717	744	773	802	833	865	898
12	678	704	731	759	788	818	849	881	915
13	692	718	746	774	804	835	867	900	934
14	706	733	761	790	820	852	884	918	953
15	720	748	776	806	837	869	902	936	972
16	734	762	791	821	853	885	919	954	991
17	756	785	815	846	879	912	947	983	1,021
18	779	809	840	872	905	940	976	1,013	1/752

SALARY SCALES APPLICABLE IN CASE NO. KAC-190-0498 OF JUAN PEREZ COLÓN ET AL V. DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS AND KAC-1991-0665 OF CARMEN S. CRUZ HERNANDEZ ET AL VS. COMMONWEALTH OF PUERTO RICO, TO BE MADE EFFECTIVE AS OF APRIL 15, 1986.

			IN	TERME	DIATE 1	TYPES			
SCALE NUMBER	MINIMUM TYPE	1	2	3	4	5	6	7	MAXIMUM TYPE
19	802	833	865	898	932	968	1,005	1,043	1,083
20	834	866	899	933	969	1,006	1,045	1,085	1,126
21	867	900	934	970	1,007	1,046	1,086	1,127	1,170
22	902	936	972	1,010	1,048	1,088	1,130	1,173	1,218
23	938	974	1,011	1,050	1,090	1,131	1,175	1,219	1,266
24	976	1,013	1,052	1,092	1,134	1,178	1,223	1,269	1,318
25	1,015	1,054	1,094	1,136	1,179	1,224	1,271	1,320	1,370
26	1,056	1,096	1,138	1,182	1,227	1,274	1,323	1,373	1,426
27	1,098	1,140	1,183	1,229	1,276	1,324	1,375	1,427	1,482
28	1,142	1,186	1,231	1,278	1,327	1,378	1,430	1,485	1,542
29	1,188	1,233	1,280	1,330	1,380	1,433	1,488	1,545	1,604
30	1,236	1,283	1,332	1,383	1,436	1,491	1,548	1,608	1,669
31	1,285	1,334	1,385	1,438	1,493	1,550	1,610	1,671	1,735
32	1,343	1,394	1,448	1,503	1,560	1,620	1,682	1,746	1,813
33	1,403	1,457	1,512	1,570	1,630	1,692	1,757	1,824	1,894
34	1,466	1,522	1,580	1,641	1,703	1,768	1,836	1,906	1,979
35	1,532	1,591	1,651	1,714	1,780	1,848	1,919	1,992	2,068
34	1,601	1,662	1,726	1,792	1,860	1,931	2,005	2,081	2,161

SALARY SCALES APPLICABLE IN CASE NO. KAC-190-0497 OF JUAN PEREZ COLÓN ET AL V. DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS AND KAC-1991-0665 OF CARMEN S. CRUZ HERNANDEZ ET AL VS. COMMONWEALTH OF PUERTO RICO, TO BE MADE EFFECTIVE AS OF APRIL 15, 1986.

INTERMEDIATE TYPES

SCALE NUMBER	MINIMUM TYPE	1	2	3	4	5	6	7	MAXIMUM TYPE
37	1,673	1,737	1,803	1,873	1,944	2,018	2,096	2,176	2,259
38	1,757	1,823	1,892	1,963	2,037	2,114	2,194	2,276	2,362
39	1,862	1,929	1,998	2,070	2,145	2,222	2,302	2,384	2,470

In Guaynabo, Puerto Rico, FEB. 28, 2005

s/illegible

Marta T. Beltrán Dones

Director

Human Resources Office of the Commonwealth of Puerto Rico

Increments:

Horizontal 1-38 35% Vertical 1-15 2% 39 32.6% 16-19 3% 19-31 4% 31-37 4.5% 37-38 5%

Commonwealth of Puerto Rico

SALARY SCALES APPLICABLE IN CASE NO. KAC-190-0497 OF JUAN PEREZ COLÓN ET AL V. DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS AND KAC-1991-0665 OF CARMEN S. CRUZ HERNANDEZ ET AL VS. COMMONWEALTH OF PUERTO RICO, TO BE MADE EFFECTIVE AS OF APRIL 1, 1990.

INTERMEDIATE TYPES

SCALE NUMBER	MENIMUM TYPE	1	2	3	4	5	6	7	MAXIMUM TYPE
1	577	599	622	645	670	695	722	749	778
2	589	611	634	658	683	709	736	764	793
3	600	623	647	671	697	723	751	779	809
4	612	636	660	685	711	738	766 -	795	825
5	625	648	673	699	725	753	781	811	842
6	637	661	686	712	740	768	797	827	859
7	650	674	700	727	754	783	813	844	876
8	663	688	714	741	769	799	829	861	893
9	676	702	728	756	785	815	846	878	911
10	690	716	743	771	801	831	863	895	929
11	703	730	758	787	817	848	880	913	948
12	717	745	773	802	833	864	897	931	967
13	732	760	788	818	850	882	915	950	986
14	746	775	804	835	866	899	934	969	1,006
15	761	790	820	851	884	917	952	988	1,026
16	777	806	837	869	902	936	971	1,008	1,947
17	800	830	862	895	929	964	1,000	1,038	1,078
18	824	855	888	921	956	993	1,030	1,070	1,110

SALARY SCALES APPLICABLE IN CASE NO. KAC-190-0497 OF JUAN PEREZ COLÓN ET AL V. DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS AND KAC-1991-0665 OF CARMEN S. CRUZ HERNANDEZ ET AL VS. COMMONWEALTH OF PUERTO RICO, TO BE MADE EFFECTIVE AS OF APRIL 1, 1990.

INTERMEDIATE TYPES

SCALE NUMBER	MINIMUM TYPE	1	2	3	4	5	6	7	MAXIMUM TYPE
19	849	881	914	94	9 98	5 1,02	3 1,061	1,102	1,144
20	883	916	951	98	7 1,0	25 1,06	3 1,104	1,146	1,189
21	918	953	989	1,0	26 1,0	55 1,10	6 1,148	1,192	1,237
22	955	991	1,028	1,0	1,1	08 1,15	0 1,194	1,239	1,286
23	993	1,030	1,070	1,1	0 1,1	52 1,19	6 1,242	1,289	1,338
24	1,032	1,072	1,112	1,1	55 1,1	99 1,24	4 1,291	1,340	1,391
25	1,074	1,115	1,157	1,20	1,2	16 1,29	4 1,343	1,394	1,447
26	1,117	1,159	1,203	1,24	1,2	96 1,34	6 1,397	1,450	1,505
27	1,161	1,205	1,251	1,29	9 1,3	1,39	9 1,453	1,508	1,565
28	1,208	1,254	1,301	. 1,3!	51 1,4	02 1,45	5 1,511	1,568	1,628
29	1,256	1,304	1,353	. 1,40	05 , 1,4	58 1,51	4 1,571	1,631	1,693
30	1,306	1,356	1,408	1,4	51 1,5	17 1,57	4 1,634	1,696	1,760
31	1,359	1,410	1,464	1,5	19 1,5	77 1,63	7 1,699	1,764	1,831
32	1,420	1,474	1,530	1,5	1,6	48 1,71	1 1,776	1,843	1,913
33	1,484	1,540	1,599	1,6	59 : 1,7	22 1,78	8 1,856	1,926	1,999
34	1,550	1,609	1,670	1,7	34 1,8	00 1,86	8 1,939	2,013	2,089
35	1,620	1,682	1,746	1,8	12 1,8	81 1,9	2 2,026	2,103	2,183
36	1,693	1,757	1,824	1,8	93 1,9	65 2,04	0 2,118	2,198	2,282

SALARY SCALES APPLICABLE IN CASE NO. KAC-190-0497 OF JUAN PEREZ COLÓN ET AL V. DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS AND KAC-1991-0665 OF CARMEN S. CRUZ HERNANDEZ ET AL VS. COMMONWEALTH OF PUERTO RICO, TO BE MADE EFFECTIVE AS OF APRIL 1, 1990.

INTERMEDIATE TYPES

38-39 6%

SCALE NUMBER	MINIMUM TYPE	1	2	3	4	5	6	7	MAXIMUM TYPE
37	1,769	1,836	1,906	1,979	2,054	2,132	2,213	2,297	2,384
38	1,858	1,928	2,002	2,078	2,157	2,239	2,324	2,412	2,504
39	1,969	2,044	2,122	2,202	2,286	2,373	2,463	2,557	2,654

In Guaynabo, Puerto Rico, FEB. 28, 2005

s/illegible

Marta T. Beltrán Dones

Director

Human Resources Office of the Commonwealth of Puerto Rico

Increments:

Horizontal 1-38 3.8% Vertical 1-16 2% 16-19 3% 19-31 4% 31-37 4.5% 37-38 5%

MRJ/fdg

Commonwealth of Puerto Rico

SALARY SCALES APPLICABLE IN CASE NO. KAC-1991-0665 OF CARMEN S. CRUZ HERNANDEZ ET AL V. FAMILY DEPARTMENT, TO BE EFFECTIVE AS OF APRIL 1, 1992

INTERMEDIATE TYPES

SCALE NUMBER	MINIMUM TYPE	1	2	3	4	5	6	7	MAXIMUM TYPE
1	634	659	684	711	739	768	798	829	861
2	650	675	702	729	757	787	818	849	883
3	666	692	719	747	776	807	838	871	905
4	683	709	737	766	796	827	859	892	927
5	700	727	755	785	816	847	880	915	950
6	717	745	774	805	836	869	902	938	974
7	735	764	794	825	857	890	925	961	999
8	754	783	814	845	878	913	948	985	1,023
9	772	803	834	866	900	935	972	1,010	1,049
10	792	823	855	888	923	959	996	1,035	1,075
11	812	843	876	910	946	983	1,021	1,061	1,102
12	832	864	898	933	969	1,007	1,047	1,087	1,130
13	853	886	920	956	994	1,032	1,073	1,115	1,158
14	874	908	943	980	1,019	1,058	1,099	1,142	1,187
15	896	931	967	1,005	1,044	1,085	1,127	1,171	1,217
16	918	954	991	1,030	1,070	. 1,112	1,155	1,200	1,247
17	941	978	1,016	1,056	1,097	1,140	1,184	1,230	The second second second
18	979	1,017	1,057	1,098	1,14	1,185	1,231	1,279	1,329

SALARY SCALES APPLICABLE IN CASE NO. KAC-1991-0665 OF CARMEN S. CRUZ HERNANDEZ ET AL VS. FAMILY DEPARTMENT, TO BE MADE EFFECTIVE AS OF APRIL 1, 1992.

INTERMEDIATE TYPES

SCALE NUMBER	MINIMUM TYPE	1	2	3	4	5	6	7	MAXIMUM TYPE
19	1,018	1,058	1,099	1,142	1,186	1,23	3 1,281	1,331	1,382
20	1,059	1,100	1,143	1,187	1,234	1,28	2 1,332	1,384	1,438
21	1,101	1,144	1,189	1,235	1,283	1,33	3 1,385	1,439	1,495
22	1,145	1,190	1,236	1,284	1,334	1,38	6 1,441	1,497	1,555
23	1,191	1,237	1,286	1,336	1,388	1,44	2 1,498	1,557	1,617
24	1,239	1,287	1,337	1,389	1,443	1,50	0 1,558	1,619	1,682
25	1,288	1,338	1,390	1,445	1,501	1,56	0 1,620	1,684	1,749
26	1,340	1,392	1,446	1,503	1,561	1,62	2 1,68	1,751	1,819
27	1,393	1,448	1,504	1,563	1,624	1,68	7 1,75	1,821	1,892
28	1,456	1,513	1,572	1,633	1,697	1,76	3 1,83	1,903	1,977
29	1,521	1,581	1,642	1,706	1,773	1,84	2 1,91	1,989	2,066
30	1,590	1,652	1,716	1,783	1,853	1,92	5 2,00	2,078	2,159
31	1,661	1,726	1,793	1,863	1,936	2,01	2 2,09	2,172	2,256
32	1,736	1,804	1,874	1,947	2,023	2,10	2 2,18	2,269	2,358
33	1,814	1,885	1,959	2,035	2,114	2,19	7 2,28	2 2,371	2,464
34	1,896	1,970	2,047	2,126	2,209	2,29	6 2,38	5 2,478	2,575
35	1,981	2,058	2,139	2,222	2,309	2,39	9 2,49	2,590	2,691
36	2,070	2,151	2,235	2,322	2,413	2,50	7 2,60	5 2,706	2,812

SALARY SCALES APPLICABLE IN CASE NO. KAC-1991-0665 OF CARMEN S. CRUZ HERNANDEZ ET AL VS. FAMILY DEPARTMENT, TO BE MADE EFFECTIVE AS OF APRIL 1, 1992.

INTERMEDIATE TYPES

SCALE NUMBER	MINIMUM TYPE	1	2	3	4	5	6	7	MAXIMUM TYPE
37	2,164	2,248	2,336	2,427	2,521	2,620	2,722	2,828	2,938
38	2,261	2,349	2,441	2,536	2,635	2,738	2,844	2,955	3,070
39	2,363	2,455	2,551	2,650	2,753	2,861	2,972	30884	3,209

In Guaynabo, Puerto Rico, FEB 28 2005

s/illegible

Marta T. Beltrán Dones

Director

Human Resources Office of the Commonwealth of Puerto Rico

s/illegible

Yolanda Zayas

Secretary

Family Department

Anatomy of Salary Structure

1-17

Increments:

Horizontal 1-39

3.9%

Vertical

2.5%

17-27 4.0%

27-39 4.5%

s/MRJ MRJ/fdq

SALARY SCALES APPLICABLE IN CASE NO. KAC-1991-0665 OF CARMEN S. CRUZ HERNANDEZ ET AL V. FAMILY DEPARTMENT, TO BE EFFECTIVE AS OF APRIL 1, 1993

INTERMEDIATE TYPES

SCALE NUMBER	MINIMUM TYPE	1	2	3	4	5	6	7	MAXIMUM TYPE
1	659	685	711	739	768	798	829	861	895
2	675	702	729	758	787	818	850	883	917
3 '	692	719	747	777	807	838	871	905	940
4	710	737	766	796	827	859	893	928	964
5	727	756	785	816	848	881	915	951	988
6	746	775	805	836	869	903	938	975	1013
7	764	794	825	857	891	925	961	999	1038
8	783	814	846	879	913	948	985	1024	1064
9	803	834	867	901	936	972	1010	1050	1090
10	823	855	888	923	959	997	1035	1076	1118
11	844	876	911	946	983	1021	1061	1103	1146
12	865	898	933	970	1008	1047	1088	1130	1174
13	886	921	957	994	1033	1073	1115	1158	1204
14	908	944	981	1019	1059	1100	1143	1187	1234
15	931	967	1005	1044	1085	1127	1171	1217	1265
16	954	992	1030	1071	1112	1156	1201	1248	1296

INTERMEDIATE TYPES

SCALE NUMBER	MINIMUM TYPE	1	2	3	4	5	6	7	MAXIMUM TYPE
17	997	1037	1079	1122	1167	1213	1262	1312	1365
18	1042	1084	1127	1172	1219	1268	1319	1372	1426
19	1089	1133	1178	1225	1274	1325	1378	1433	1491
20	1138	1184	1231	1280	1332	1385	1440	1498	1 558
21	1189	1237	1286	1338	1391	1447	1505	1565	1628
22	1243	1293	1344	1398	1454	1512	1573	1636	1701
23	1299	1351	1405	1461	1519	1580	1643	1709	1778
24	1357	1412	1468	1527	1588	1651	1717	1786	1858
25	1418	1475	1534	1595	1659	1726	1795	1866	1941
26	1482	1541	1603	1667	1734	1803	1875	1950	2028
27	1549	1611	1675	1742	1812	1884	1960	2038	2120
28	1619	1683	1751	1821	1894	1969	2048	2130	2215
29	1691	1759	1829	1903	1979	2058	2140	2226	2315
30	1768	1838	1912	1988	2068	2150	2237	2326	2419
31	1847	1921	1998	2078	2161	2247	2337	2431	2528
32	1930	2007	2088	2171	2258	2348	2442	2540	2642
33	2017	2098	2182	2269	2360	2454	2552	2654	2760
34	2108	2192	2280	2371	2466	2565	2667	2774	2885
35	2203	2291	2382	2478	2577	2680	2787	2899	3015
36	2302	2394	2490	2589	2693	2801	2913	3029	3150
37	2405	2502	2602	2706	2814	2927	3044	3165	3292
38	2514	2614	2719	2827	2941	3058	3181	3308	3440
39	2627	2732	2841	2955	3073	3196	3324	3457	3595

In Guaynabo, Puerto Rico, FEB 28 2005

s/illegible
Marta T. Beltrán Dones
Director
Human Resources Office
Of the Commonwealth of Puerto Rico

s/illegible Yolanda Zayas Secretary Family Department

Vertical 1-16 2.5% 16-39 4.5%

MRJ mrj/frm

s/MRJ MRJ/fdg Horizontal 1-16 3.9% 17-39 4.0%

SALARY SCALES APPLICABLE IN CASE NO. KAC-1991-0665 OF CARMEN S. CRUZ HERNANDEZ ET AL V. FAMILY DEPARTMENT, TO BE EFFECTIVE AS OF APRIL 1, 1994

INTERMEDIATE TYPES

SCALE NUMBER	MINIMUM TYPE	1	2	3	4	5	6	7	MAXIMUM TYPE
1	691	708	725	742	760	778	797	816	835
2	710	727	744	762	780	799	818	838	858
3	729	746	764	783	801	821	840	860	881
4	748	766	785	804	823	843	863	884	905
5	769	787	806	825	845	865	886	908	929
6	789	808	828	848	868	889	910	932	954
7	811	830	850	871	891	913	935	957	980
8	833	853	873.	894	916	937	960	983	1007
9	855	876	897	918	940	963	986	1010	1034
10	878	899	921	943	966	989	1013	1037	1062
11	902	924	946	968	992	1016	1040	1065	1090
12	926	949	971	995	1018	1043	1068	1094	1120
13	951	974	998	1021	1046	1071	1097	1123	Dones of B 19
14	977	1000	1024	1049	1074	1100	1126	1153	1181

INTERMEDIATE TYPES

SCALE NUMBER			2	3	4	5	6	7	MAXXMUM TYPE	
15	1003	1027	1052	1077	1103	1130	1157	1185	1213	
16	1030	1055	1081	1106	1133	1160	1188	1217	1246	
17	1058	1084	1110	1136	1164	1192	1220	1249	1279	
18	1087	1113	1140	1167	1195	1224	1253	1283	1314	
19	1130	1157	1185	1214	1243	1273	1303	1334	1366	
20	1176	1211	1247	1285	1323	1363	1404	1446	1489	
21	1223	1259	1297	1336	1376	1417	1460	1504	1549	
22	1271	1310	1349	1389	1431	1474	1518	1564	1611	
23	1322	1362	1403	1445	1488	1533	1579	1626	1675	
24	1375	1416	1459	1503	1548	1594	1642	1691	1742	
25	1430	1473	1517	1563	1610	1658	1708	1759	1812	
26	1487	1532	1578	1625	1674	1724	1776	1829	1884	
2,7	1547	1593	1641	1690	1741	1793	1847	1903	1960	
28	1609	1657	1707	1758	1811	1865	1921	1979	2038	
29	1673	1723	1775	1828	1883	1940	1998	2058	2120	
30	1740	1792	1846	1901	1959	2017	2078	2140	2204	
31	1810	1864	1920	1978	2037	2098	2161	2226	2292	
32	1882	1939	1997	2057	2118	2182	2247	2315	2384	
33	1957	2016	2077	2139	2203	2269	2337	2407	2480	
34	2036	2097	2160	2224	2291	2360	2431	2504	2579	
35 ·	2117	2181	2246	2313	2383	2454	2528	2604	2682	

INTERMEDIATE TYPES

SCALE NUMBER	MINIMUM TYPE	1	2	3	4	5	6	7	MAXIMUM TYPE
36	2202	2268	2336	2406	2478	2552	2629	2708	2789
37	2290	2359	2429	2502	2577	2655	2734	2816	2901
38	2381	2453	2526	2602	2680	2761	2844	2929	3017
39	2477	2551	2628	2706	2788	2871	2957	3046	3137

In Guaynabo, Puerto Rico, FEB. 28, 2005

s/illegible
Marta T. Beltrán Dones
Director
Human Resources Office
of the Commonwealth of Puerto Rico

s/illegible Yolanda Zayas Secretary Family Department

1-18 2.7% 18-39 4% MRJ

Vertical

MRJ/fdg

Horizontal 1-19 2.4% 20-39 3%

SALARY SCALES APPLICABLE IN CASE NO. KAC-1991-0665 OF CARMEN S. CRUZ HERNANDEZ ET AL V. FAMILY DEPARTMENT, TO BE EFFECTIVE AS OF SEPTEMBER 1, 1997

Scale Number	Minimum Type	1	2	3	4	5	6	7	Maximum Type	
1	837	866	897	928	960	994	1029	1065	1102	
2	876	906	938	971	1005	1040	1076	1114	1153	
3	916	948	981	1015	1051	1088	1126	1165	1206	
4	958	991	1026	1062	1099	1138	1178	1219	1261	
5	1002	1037	1073	1111	1150	1190	1232	1275	1319	
6	1048	1085	1123	1162	1203	1245	1288	1333	1380	
7	1096	1135	1174	1215	1258	1302	1348	1395	1444	
8	1147	1187	1228	1271	1316	1362	1410	1459	1510	
9	1199	1241	1285	1330	1376	1425	1474	1526	1579	
10	1255	1299	1344	1391	1440	1490	1542	1596	1652	
11	1312	1358	1406	1455	1506	1559	1613	1670	1728	
12	1373	1421	1470	1522	1575	1630	1687	1746	1808	
13	1436	1486	1538	1592	1648	1705	1765	1827	1891	
14	1502	1554	1609	1665	1723	1784	1846	1911	1978	
15	1571	1626	1683	1742	1803	1866	1931	1999	2069	

Scale Number	Minimum Type	1	2	3	4	5	6	7	Maximum Type
16	1643	1701	1760	1822	1886	1952	2020	2091	2164
17	1719	1779	1841	1906	1972	2041	2113	2187	2263
18	1798	1861	1926	1993	2063	2135	2210	2287	2367
19	1881	1946	2015	2085	2158	2234	2312	2393	2476
20	1967	2036	2107	2181	2257	2336	2418	2503	2590
21	2058	2130	2204	2281	2361	2444	2529	2618	2709
22	2152	2228	2306	2386	2470	2556	2646	2738	2834
23	2251	2330	2412	2496	2563	2674	2767	2864	2964

In Guaynabo, Puerto Rico, FEB. 28, 2005

s/illegible
Marta T. Beltrán Dones
Director
Human Resources Office
of the Commonwealth of Puerto Rico

Horizontal 3.5% Vertical 4.6% s/illegible Yolanda Zayas Secretary Family Department

MRJ/irm

SALARY SCALES APPLICABLE IN CASE NO. KAC-1991-0665 OF CARMEN S. CRUZ HERNANDEZ ET AL VS. COMMONWEALTH OF PUERTO RICO, TO BE MADE EFFECTIVE AS OF SEPTEMBER 1, 2000.

Scale Number	Minimum Type	1.	2	3	4	5	6	7	8	9	10	11	12	Maximum Type
1	943	976	1010	1046	1082	1120	1159	1200	1242	1285	1330	1377	1425	1475
2	987	1021	1057	1094	1132	1172	1213	1255	1299	1345	1392	1441	1491	1543
3	1033	1069	1106	1145	1185	1226	1269	1314	1360	1407	1456	1507	1560	1615
-4	1080	1118	1157	1198	1240	1283	1328	1375	1423	1472	1524	1577	1633	1690
5	1130	1170	1211	1253	1297	1343	1390	1438	1489	1541	1595	1650	1708	1768
6	1183	1224	1267	1312	1357	1405	1454	1505	1558	1612	1669	1727	1787	1850
7	1238	1281	1326	1372	1420	1470	1522	1575	1630	1687	1746	1807	1870	1936
. 8	1295	1341	1387	1436	1486	1538	1592	1648	1706	1765	1827	1891	1957	2026
9	1355	1403	1452	1503	1555	1610	1666	1724	1785	1847	1912	1979	2048	2120
10	1418	1468	1519	1572	1627	1684	1743	1804	1867	1933	2000	2070	2143	2218
11	1484	1536	1590	1645	1703	1762	1824	1888	1954	2022	2093	2166	2242	2321
12	1553	1607	1663	1722	1782	1844	1909	1976	2045	2116	2190	2267	2346	2428
13	1625	1682	1740	1801	1864	1930	1997	2067	2139	2214	2292	2372	2455	2541
14	1700	1760	1821	1885	1951	2019	2090	2163	2239	2317	2398	2482	2569	2659
15	1779	1841	1906	1972	2041	2113	2187	2263	2343	2425	2509	2597	2688	2782

Scale Number	Minimum Type	1	2	3	4	5	6	7	8	9	10	11	12	Maximum Type
16	1861	1927	1994	2064	2136	2211	2288	2368	2451	2537	2626	2718	2813	2911
17	1948	2016	2087	2160	2235	2313	2394	2478	2565	2655	2748	2844	2943	3046
18	2038	2109	2183	2260	2339	2421	2505	2593	2684	2778	2875	2976	3080	3188
19	2133	2207	2285	2365	2447	2533	2622	2713	2808	2907	3008	3114	3223	3335
20	2232	2310	2391	2474	2561	2650	2743	2839	2939	3041	3148	3258	3372 .	3490
21	2335	2417	151	2589	2680	2773	2870	2971	3075	3182	3294	3409	3528	3652
22	2443	2529	2617	2709	2804	2902	3004	3109	3217	3330	3447	3567	3692	3821
23	2557	2646	2739	2835	2934	3037	3143	3253	3367	3485	3606	3733	3863	3999

In Guaynabo, Puerto Rico, FEB. 28, 2005

s/illegible
Marta T. Beltrán Dones
Director
Human Resources Office
of the Commonwealth of Puerto Rico

Horizontal 3.5%

Vertical 4.638%

MRJ/irm

s/illegible Yolanda Zayas Secretary Family Department